

~~{2}--IF--THE--BOAT--AFTER--A--SEARCH--IS--FOUND--TO--HAVE--ON--BOARD--ANY--WET--OYSTERS--OR--FISHING--OR--DIVING--APPARATUS--PROHIBITED--UNDER--THIS--SECTION--OR--IF--THE--DECK--IS--WET--AND--THE--BOAT--IS--EQUIPPED--FOR--CATCHING--OYSTERS--THESE--FINDINGS--SHALL--CONSTITUTE--PRIMA--FACIE--EVIDENCE--THAT--THE--BOAT--HAS--BEEN--USED--TO--VIOLATE--THE--PROVISIONS--OF--THIS--SECTION-~~

~~4-1020.1 4-1015.1.~~

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE OR REGULATION PROMULGATED THEREUNDER, A PERSON WHO CATCHES OYSTERS FROM THE WATERS OF THIS STATE USING ANY SORT OF DIVING APPARATUS SHALL CULL THE OYSTERS ON THE NATURAL BAR FROM WHICH THEY WERE CAUGHT, AND RETURN TO THE BAR ALL SHELLS, STONES, GRAVEL, AND SLAG. ANY OYSTER WHOSE SHELL MEASURES LESS THAN 4 INCHES IN LENGTH FROM HINGE TO BILL, WHETHER OR NOT ATTACHED TO A MARKETABLE OYSTER, SHALL BE INCLUDED IN THE CULLING AND REPLACED ON THE BAR FROM WHICH CAUGHT. OYSTER CULLING SHALL BE COMPLETED BEFORE ANY OYSTER IS THROWN OR DEPOSITED IN THE HOLD OR BOTTOM OF ANY BOAT.

(2) AFTER CULLING AND PLACING IN THE HOLD OR BOTTOM OF A BOAT, A DIVER'S POSSESSION OF OYSTERS MAY NOT INCLUDE A COMBINED TOTAL OF MORE THAN 5 PERCENT OF OYSTERS WHICH MEASURE LESS THAN 4 INCHES FROM HINGE TO BILL, AND CULTCH CONSISTING OF SHELLS, STONES, GRAVEL, AND SLAG. IN ASCERTAINING THIS PERCENTAGE THE DEPARTMENT SHALL SELECT BY RANDOM SAMPLE AN AMOUNT OF OYSTERS FROM ANY PILE, HOLD, BIN, HOUSE, OR PLACE AS DEEMED PROPER AND REQUIRE IT TO BE CULLED AND DISPOSED OF, AS PROVIDED BY THIS SECTION. ALL SMALL OYSTERS AND CULTCH THAT ADHERE TO MARKETABLE OYSTERS SHALL BE SEPARATED, AND THE MARKETABLE OYSTERS SHALL BE EXCLUDED FROM ANY MEASUREMENT OF SMALL OYSTERS AND CULTCH. HOWEVER, A PERSON MAY POSSESS MARKETABLE OYSTERS THAT HAVE UNDERSIZED OYSTERS OR SPAT LESS THAN 1 INCH IN LENGTH FROM HINGE TO BILL ATTACHED TO THEM THAT CANNOT BE SEPARATED WITHOUT DESTROYING THE SMALL OYSTER.

~~{3}--A--DIVER--MAY--NOT--TRANSPORT--OR--ATTEMPT--TO--TRANSPORT--OUTSIDE--THE--STATE--OYSTERS--MEASURING--LESS--THAN--4--INCHES--IN--LENGTH--FROM--HINGE--TO--MOUTH--REGARDLESS--OF--WHETHER--THEY--ARE--CAUGHT--ON--THE--NATURAL--BARS--OF--THE--STATE--OR--FROM--PRIVATE--BEDS--AND--LOTS--IN--THE--STATE-~~

(B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE OR REGULATION PROMULGATED THEREUNDER PURSUANT TO THIS SUBTITLE, THERE IS AN OYSTER BUSHEL LIMIT OF 30 BUSHELS PER BOAT FOR ANY PERSON WHO CATCHES OYSTERS FROM THE WATERS OF THIS STATE USING ANY SORT OF DIVING APPARATUS.

(C) ON OR AFTER JULY 1, 1983 AND BEFORE ~~JULY--17--1985~~ SEPTEMBER 30, 1983, THE DEPARTMENT SHALL BY RULE AND REGULATION SET ASIDE CERTAIN WATERS OF THIS STATE TO BE USED EXCLUSIVELY BY HAND TONGERS IN CATCHING OYSTERS. BEFORE ADOPTING THE REGULATIONS IN THEIR FINAL FORM, THE DEPARTMENT SHALL CONSULT EACH OF THE LOCAL HAND TONGER COMMITTEES.